

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

November 14, 2011 Meeting Minutes

4:00 p.m. Public Hearing Room, DEP, Trenton

Board Members:

Present: Chairman David Sweeney, Jorge Berkowitz, Philip Brilliant, Richard Dewling, Lawra Dodge, Joann Held, Christopher Motta, Karl Muessig, Michael Pisauro, Constantine Tsentas, Ira Whitman.

Absent: None

Others Present: Board Liaison Karen Hershey, DAG Kimberly Hahn, Executive Assistant David Haymes.

Proceedings:

- Meeting called to Order at 4:09 by Chairman Sweeney.
- Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of November 1, 2011 minutes.
 - Motion by Jorge Berkowitz to accept minutes, seconded by Richard Dewling; Lawra Dodge abstained due to absence at November 1, 2011 meeting; remaining members approved minutes unanimously.
- Chairman's Report
 - Vice-Chairman Joann Held noted the one-year anniversary of the Board and discussed the Board's achievements.
- Committee Reports
 - Audit: A report was given by Committee Chair Phil Brilliant on behalf of the Audit Committee.
 - Phil Brilliant discussed the Committee's plans to work with the Rules Committee to incorporate the approved audit procedures into rules.

- Continuing Education: A report was given by Lawra Dodge on behalf of the Continuing Education Committee.
 - Lawra Dodge discussed the Committee's plans to work with the Rules Committee to incorporate the approved continuing education process into rules, and she further noted that the Committee has begun the course approval process.
- Finance: A report was given by Richard Dewling on behalf of the Finance Committee.
 - Richard Dewling discussed billing, noting that annual fee notices/renewal letters were sent to temporary LSRPs.
- Licensure: A report was given by Committee Chair Ira Whitman on behalf of the Licensure Committee.
 - Ira Whitman discussed the annual fee notices, the outcome of the Job Task Analysis Committee meeting, and noted that the exam contractor would be making a presentation at the next Board meeting on December 5.
- Website/Outreach: A report was given by Committee Chair Christopher Motta on behalf of the Website/Outreach Committee.
 - Chris Motta discussed the necessity of having the Outreach, Licensure and Continuing Education committees meet with DEP and SRP IT staff to discuss a strategy for tracking software.
- Professional Conduct: A report was given by Committee Chair Jorge Berkowitz on behalf of the Professional Conduct Committee.
 - Jorge Berkowitz discussed the status of Complaint #3, the complaint form and a proposed process for notifying the public, LSRPs and complainants of disciplinary decisions.
 - Motion by Jorge Berkowitz to approve the Disciplinary Process dated November 10, 2011.
 - Seconded by Ira Whitman. Motion adopted after debate (9Y-2N)
 - Roll call vote as follows:
 - Berkowitz Y
 - Brilliant N
 - Dewling Y
 - Dodge Y

- Held Y
- Motta N
- Muessig Y
- Pisauro Y
- Tsentas Y
- Whitman Y
- Sweeney Y

*Karl Muessig left meeting at 5:52.

- Rulemaking: A report was given by Committee Chair Joann Held on behalf of the Rulemaking Committee.
 - Joann discussed the status of the Committee's rule drafting efforts, noting the progress of the continuing education and licensure sections.
- Ongoing Business
 - None
- New Business
 - Board discussed the November 7, 2011 letter to the Board from the LSRPA regarding confidentiality, draft disciplinary policy and complaint #2; Ira Whitman commented on the issues raised in the letter.
- Public Comment
 - Ken Goldstein, LSRPA
 - Discussed the issues that were presented in the Association's November 7, 2011 letter to the Board and expressed concerns about the consequences of breaching confidentiality in Board disciplinary actions.
 - John Scagnelli, Esq., representing LSRPA
 - Discussed the issues that were presented in the Association's November 7, 2011 letter to Board, supported non-disclosure of LSRPs identity following Board disciplinary decisions and offered remarks about the Board's approach to formulating disciplinary policy.

- Andy Robins, Esq., Sills Cummis
 - Argued in favor of not disclosing identity of LSRP who has been subject to disciplinary action by the Board.
- Richard Katz, LSRP, PennJersey
 - Noted that once the complainant is informed of an outcome of a disciplinary action, it becomes public information regardless of the OPRA and legal aspects of the debate.
- The meeting adjourned at 6:30 p.m.